



## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND DEVICES FOR PLACING A CONDUIT IN FLUID COMMUNICATION WITH A TARGET VESSEL AND A SOURCE OF BLOOD** the specification of which \_\_\_\_\_ is attached hereto or XX was filed on April 12, 2000 as Application No. 09/547,532 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/393,130	September 10, 1999	Pending
09/232,103	January 15, 1999	Pending
09/232,062	January 15, 1999	Pending
09/023,492	February 13, 1998	Pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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David R. Heckadon, *Granted Limited Recognition*  
*under 37 CFR §10.9(b)*

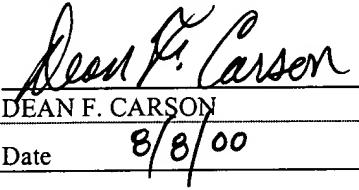
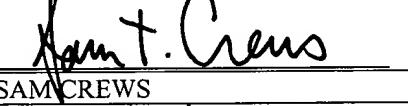
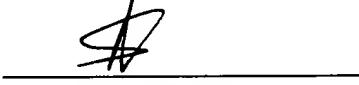
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#3  
MIL 8/2/00  
K/L 8/10/00

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Full Name of Inventor 9:	Last Name: <b>FOLEY</b>	First Name: <b>MARK</b>	Middle Name or Initial: <b>J.</b>
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  DEAN F. CARSON	Signature of Inventor 2  MICHAEL REO	Signature of Inventor 3  STEPHEN OLSON
Date 8/8/00	Date 8-2-00	Date 8-2-00
Signature of Inventor 4  KEKE LEPULU	Signature of Inventor 5  SAM CREWS	Signature of Inventor 6  DAVID COLE
Date 8/10/00	Date 8/10/00	Date 8-2-00
Signature of Inventor 7  ADAM SHARKAWY	Signature of Inventor 8  DARIN GITTINGS	Signature of Inventor 9  MARK FOLEY
Date 8/8/00	Date 8-2-00	Date 8/2/00

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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee:  
Application or Patent No.:  
Filed or Issued:  
Title:

DEAN F. CARSON et al.

09/547,532

April 12, 2000

**METHODS AND DEVICES FOR PLACING A CONDUIT IN FLUID COMMUNICATION WITH A TARGET VESSEL AND A SOURCE OF BLOOD**

I hereby declare that I am:

- [ ] the owner of the small business concern identified below;  
[ ] an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern:

VENTRICA, INC.

Address of Small Business Concern:

976 Hamilton Avenue

Menlo Park, CA 94025

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHODS AND DEVICES FOR PLACING A CONDUIT IN FLUID COMMUNICATION WITH A TARGET VESSEL AND A SOURCE OF BLOOD by inventor(s) DEAN F. CARSON, MICHAEL L. REO, STEPHEN L. OLSON, KEKE LEPULU, SAM T. CREWS, DAVID H. COLE, ADAM SHARKAWY, DARIN C. GITTINGS, MARK J. FOLEY described in:

- [ ] the specification filed herewith;  
[X] Application No. 09/547,532, filed April 12, 2000;  
[ ] Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: / / /

Address: \_\_\_\_\_

[ ] Individual

[ ] Small Business Concern

[ ] Nonprofit Organization

Name: / / /

Address: \_\_\_\_\_

[ ] Individual

[ ] Small Business Concern

[ ] Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:

MARK J. FOLEY

Title of Person if Other than Owner:

PRESIDENT / CEO

Address of Person Signing:

976 Hamilton Avenue

Menlo Park, CA 94025

Signature mark j. foley

Date

8/12/00